

REMARKS

Applicants are amending their claims, by adding new claim 35 to the application. Claim 35, dependent on claim 33, recites that the CMP abrasive is adapted to polish a silicon oxide insulating film having unevenness on a surface thereof. Note, for example, the first and second full paragraphs on page 13 of Applicants' specification.

The election-of-species requirements as set forth in Item 1, on page 2 of the Office Action mailed June 13, 2007, are noted. In response thereto, and for the election between Species I and II, Applicants respectfully elect Specie I, an organic polymer selected from the group consisting of poly(meth)acrylic acid ammonium salts, set forth in claim 31. It is respectfully submitted that, of the previously elected group of claims, claims 1, 3-7, 27-31, 33, 34 and newly added claim 35 read on the elected Specie I. Moreover, as the Examiner has not set forth a different specie for claims 7 and 8, it is respectfully submitted that claims 7 and 8 must also read on the elected species, and be considered on the merits therewith. Thus, claims 1, 3-9, 27-31 and 33-35 are to be considered in light of the requested election between Species I and II.

The additional requirement for an election between Species III and IV, set forth on page 2 of the Office Action mailed June 13, 2007, is noted. In response thereto, Applicants respectfully elect Specie III, that is, a CMP abrasive adapted to polish an oxide insulating film, the Examiner contending that claim 33 reads thereon.

Applicants respectfully traverse the requirement for an election of species between Specie III and Specie IV. Thus, claim 33 (Specie III) recites that the CMP abrasive is adapted to polish an oxide insulating film having unevenness on a

surface thereof, while claim 34 recites that the CMP abrasive is adapted to polish a silicon oxide film having unevenness on a surface thereof. The Examiner contends that claims 33 and 34 define separate species, on the basis that the claim 34 silicon oxide film "is not necessarily an insulating film". The Examiner has provided no evidence or reasoning supporting this conclusion that the silicon oxide film "is not necessarily an insulating film". In view thereof, the Examiner has not established a proper basis for the election-of-species requirement between Specie III and Specie IV. As a proper basis for this election-of-species requirement between Specie III and Specie IV has not been set forth, such requirement is improper. Withdrawal of the requirement for election between Species III and IV, and consideration of both claims 33 and 34 in the present application, are respectfully requested.

In any event, attention is respectfully directed to newly added claim 35, dependent on claim 33 and reciting that the CMP abrasive is adapted to polish a silicon oxide insulating film having unevenness on a surface thereof. Clearly, claim 35 reads on the elected Specie III, and must be considered together with the elected Specie I.

In view of all of the foregoing, and noting the election-of-species requirement between Species I and II, and between Species III and IV, set forth in Item 1 on page 2 of the Office Action mailed June 13, 2007, Applicants respectfully elect Specie I and Specie III, and, of the previously elected claims, it is respectfully submitted that claims 1, 3-9, 27-31, 33 and 35, of the claims presently in the application, read on the elected Species and are to be considered on the merits therein.

However, noting the indication by the Examiner that claim 1 is a generic claim, upon allowance of a generic claim it is respectfully submitted that the non-elected species, that is, Species II and IV, are to be re-joined in the above-identified application and allowed to issue in a U.S. patent issuing therefrom.

Examination of at least claims 1, 3-9, 27-31, 33 and 35 on the merits, in due course, are respectfully requested.

To the extent necessary, Applicants hereby petition for an extension of time under 37 CFR 1.136. Kindly charge any shortage of fees due in connection with the filing of this paper, including any extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Account No. 01-2135 (case 511.40998X00), and please credit any overpayments to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By /William I. Solomon/
William I. Solomon
Registration No. 28,565

WIS/ksh
1300 N. 17th Street
Suite 1800
Arlington, Virginia 22209
Tel: 703-312-6600
Fax: 703-312-6666